

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Aug 23, 2024**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

BRENDAN M.,<sup>1</sup>

Plaintiff,

vs.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:24-cv-03040-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 9, 13**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Katherine Bowles represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the  
7 Appeals Council will instruct the ALJ to:

- 8 • Reevaluate Plaintiff's Step 5 finding, to include obtaining vocational  
9 expert evidence as necessary, while resolving any inconsistencies  
10 between the vocational expert testimony, the DOT, and the RFC;
- 11 • Offer Plaintiff the opportunity for a hearing;
- 12 • Take further action to complete the administrative record; and
- 13 • Issue a new decision.

14 *See* ECF No. 13 at 2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, **ECF No. 9**, is  
17 **STRICKEN AS MOOT**.

18 5. Upon proper presentation, this Court consider Plaintiff's application  
19 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).  
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1 The District Court Executive is directed to enter this Order, **enter Judgment**  
2 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED August 23, 2024.

4 s/Robert H. Whaley  
5 ROBERT H. WHALEY  
6 Senior United States District Judge  
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